

Amendment No. \_\_\_\_\_

  
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Signature of Sponsor

<b>FILED</b>
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

**AMEND Senate Bill No. 866**

**House Bill No. 959\***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 37, Chapter 1, Part 1 is amended by adding the following as a new section:

- (a) A minor commits illegal use of a telecommunication device who
  - (1) Knowingly, by use of a telecommunication device, transmits, distributes, publishes, or disseminates a photograph, video, or other material that contains a sexually explicit image of a minor; or
  - (2) Intentionally possesses a photograph, video, or other material that contains a sexually explicit image of a minor.
- (b) A minor does not violate subdivision (a)(2) if:
  - (1) The minor did not solicit the photograph, video, or other material; and
  - (2) The minor:
    - (A) Deleted the photograph, video, or other material; or
    - (B) Reported the photograph, video, or other material to the minor's parent or legal guardian or to a school or law enforcement official.
- (c) Illegal use of a telecommunication device committed under subsection (a) is considered an unruly act, for which a court may make a disposition as authorized by § 37-1-132.

SECTION 2. Tennessee Code Annotated, Section 37-1-102(b), is amended by adding the following as new, appropriately designated subdivisions:



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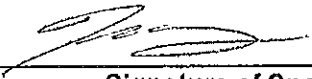
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( ) "Sexually explicit image" means a lewd or lascivious visual depiction of a minor's genitals, pubic area, breast or buttocks, or nudity, if such nudity is depicted for the purpose of sexual stimulation or gratification of any person who might view such nudity;

( ) "Telecommunication device" has the same meaning as defined in § 39-16-201;

SECTION 3. This act shall take effect July 1, 2017, the public welfare requiring it.

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**AMEND Senate Bill No. 1223**

**House Bill No. 1283\***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 68-10-116, is amended by deleting subsection (a) and substituting instead the following:

(1) If, during the course of arresting, transporting, or processing a person charged with the commission of a criminal offense, a law enforcement officer is exposed to the blood or other body fluid of the arrested person in any manner that presents a significant risk of transmission of the hepatitis virus or the HIV/AIDS virus, then the exposed officer may request that the arrested person's blood be tested for the presence of the hepatitis virus and the HIV/AIDS virus, and such test shall be administered if requested.

(2) If, during the course of receiving, analyzing, or transporting the blood or other body fluid of any person who has been arrested and charged with a criminal offense, an employee of any of the Tennessee bureau of investigation's crime laboratories is exposed to the blood or body fluid in any manner that presents a significant risk of transmission of the hepatitis virus or the HIV/AIDS virus, then the exposed employee may request that the arrested person's blood be tested for the presence of the hepatitis virus and the HIV/AIDS virus, and such test shall be administered if requested.

(3) If, while acting in the scope of duty, a firefighter, emergency medical technician-paramedic, or emergency medical technician is exposed to the blood or other body fluid of an arrested person in any manner that presents a significant risk of transmission of the hepatitis virus or the HIV/AIDS virus, then the exposed individual



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may request that the arrested person's blood be tested for the presence of the hepatitis virus and the HIV/AIDS virus, and such test shall be administered if requested.

SECTION 2. Tennessee Code Annotated, Section 68-10-116, is further amended by adding the following new subsection:

(c) As used in this section, "law enforcement officer" includes an employee of any of the Tennessee bureau of investigation's crime laboratories, firefighter, emergency medical technician-paramedic, or emergency medical technician; provided, however, that nothing in this section shall grant any law enforcement authority to a person who does not otherwise have the authority.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

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AMEND Senate Bill No. 669\*

House Bill No. 1209

by deleting Section 2 and substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 63-1-152, is amended by adding the following language as a new subsection:

Any person treated for a drug-related overdose with an opioid antagonist by a first responder shall be taken to a medical facility by emergency medical services for evaluation.

SECTION 3. This act shall take effect July 1, 2017, the public welfare requiring it.

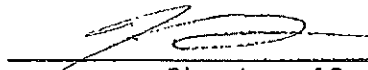


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Amendment No. \_\_\_\_\_

  
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Comm. Amdt. \_\_\_\_\_

AMEND Senate Bill No. 552\*

House Bill No. 616

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 37, Chapter 1, Part 6, is amended by adding the following as a new section:

The department of children's services shall partner with a facility to create a pilot program for the treatment of minor victims of trafficking for a commercial sex act, as prohibited by § 39-13-309. By April 1, 2019, the department shall submit a report to the judiciary committee of the senate and the criminal justice committee of the house of representatives that includes, but is not limited to, the following items:

- (1) Aggregated demographic data of treated victims; forms of trafficking involved; presence, number, and history of complex trauma and adverse childhood experiences by type;
- (2) Length of time and service intensity or treatment plan outlook found to ready a child to address trafficking trauma;
- (3) Occurrence of comorbid disorders by frequency and rate;
- (4) Length of stay at various levels of service;
- (5) Number of runaway occurrences or other disruptions to treatment;
- (6) Factors that contributed to a victim's cooperation with a child welfare or law enforcement investigation; and
- (7) Overall length of time in custody.

SECTION 2. This act shall take effect January 1, 2018, the public welfare requiring it, and shall cease to be effective January 1, 2019.




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**AMEND Senate Bill No. 1249**

**House Bill No. 1250\***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 8-7-226(a), is amended by deleting the subsection in its entirety and substituting instead the following:

All assistant district attorneys general hired after July 1, 1994, or re-classified under § 8-7-201(e)(3), shall be compensated according to the following pay schedule:

Entry level \$55,700

after one (1) year \$58,688

after two (2) years \$61,688

after three (3) years \$64,688

after four (4) years \$67,712

after five (5) years \$70,676

after six (6) years \$73,676

after seven (7) years \$76,688

after eight (8) years \$79,712

after nine (9) years \$82,676

after ten (10) years \$85,688

after eleven (11) years \$88,676

after twelve (12) years \$91,640

after thirteen (13) years \$94,640

after fourteen (14) years \$97,616

after fifteen (15) years \$100,604



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after sixteen (16) years \$103,604  
after seventeen (17) years \$106,316  
after eighteen (18) years \$108,956  
after nineteen (19) years \$111,488  
after twenty (20) years \$113,888  
after twenty-one (21) years \$117,392  
after twenty-two (22) years \$120,980  
after twenty-three (23) years \$124,688  
after twenty-four (24) years \$128,816  
after twenty-five (25) years \$132,920.

SECTION 2. This act shall take effect June 30, 2017, the public welfare requiring it.



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AMEND Senate Bill No. 258\*

House Bill No. 586

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 28-2-102, is amended by designating the existing language as subsection (a) and adding the following language as a new subsection:

(b)

(1) Notwithstanding subsection (a), an action against the person in possession, under recorded assurance of title, as in § 28-2-101, shall not be barred if the person, or those claiming under such person, alleged of neglecting such property can prove, by a preponderance of the evidence, that the property was possessed by illegal means. As used in this section, "illegal means" may include, but not be limited to, knowingly and willfully moving, removing, or otherwise destroying the property stakes or other physical markings used by the lawful property owner to designate property lines.

(2)

(A) Any person who knowingly and willfully moves, removes, or otherwise destroys the property stakes or other physical markings used by the lawful property owner to designate property lines to illegally mark or alter the lawful property owner's property lines to possess the property pursuant to this title and chapter commits a Class A misdemeanor.

(B) Notwithstanding § 40-2-102(a), prosecution for an offense under this subdivision (b)(2) shall be commenced within twelve (12) months after the offense has been discovered.



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(3) An action pursuant to this subsection (b) may be initiated by the person, or those claiming under such person, alleged of neglecting the property in a court of competent jurisdiction where the property is located.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

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AMEND Senate Bill No. 113

House Bill No. 44\*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 38, Chapter 6, Part 1, is amended by adding the following language as a new section:

(a) This section shall be known and may be cited as the "Help Find the Missing Act".

(b) As used in this section:

(1) "Missing citizen" has the same meaning as defined in § 38-6-121;

(2) "Regional forensic center" means a facility accredited by the National Association of Medical Examiners at which autopsies are performed pursuant to § 38-7-105; and

(3) "Unidentified body" means human remains which are unidentified after all available methods have been exhausted.

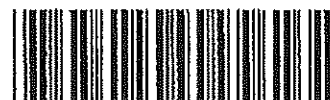
(c)

(1) In all cases in which the county medical examiner is not satisfied with the decedent's identification the body shall be referred for examination to a regional forensic center.

(2) The regional forensic center shall furnish the Tennessee bureau of investigation (TBI) and the National Missing and Unidentified Persons System created by the United States department of justice's national institute of justice (NamUs), if physically possible, with copies of fingerprints on standardized eight inch by eight inch (8" x 8") fingerprint cards or the equivalent digital image; prints



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or partial prints of any fingers; any forensic odontology report concerning the body; detailed personal descriptions; DNA results; and all other identifying data, including date and place of death, of all deceased persons whose deaths are in a classification requiring inquiry by the medical examiner and who remain unidentified after all available methods have been exhausted.

(d)

(1) When any person makes a report of a missing person to a law enforcement agency, the agency shall immediately request a member of the family or next of kin of the missing person to authorize the release to local law enforcement of the dental records of the person reported missing. If the person reported missing is still missing thirty (30) days after the report is made, the law enforcement agency shall deliver the release to the dentist or dentists of the missing person, and request the dentist or dentists to deliver such records, including dental x-rays, to the local law enforcement agency.

(2) If the person reported missing has not been found within the first thirty (30) days and no family or next of kin exists or can be located, the law enforcement agency may execute a written declaration, stating that an active investigation seeking the location of the missing person is being conducted and that the dental records are necessary for the exclusive purpose of furthering the investigation. Such written declaration, signed by a law enforcement officer, is sufficient authority for the dentist or dentists to release the missing person's dental records, including dental x-rays, to the local law enforcement agency, and shall not be the basis for disciplinary action pursuant to § 63-5-124. Upon receipt of a properly executed release and request or declaration, the dentist or dentists shall forward the dental records, including dental x-rays, to local law enforcement, where a file shall be maintained concerning persons reported as missing and who have not been reported as found. Within ten (10) days of

receipt, a copy of the dental records, including x-rays, shall be forwarded to NamUS by the local law enforcement agency or the TBI.

(e) Whenever a law enforcement agency determines that a person is a missing citizen, or that an unidentified living person may be a missing citizen, such law enforcement agency shall enter the report of such missing citizen in any database of missing persons currently required by their agency, into any missing person database utilized by the TBI and into NamUs.

(f) If the TBI receives the report of a missing citizen, the TBI shall maintain a record of the case file. The TBI shall promulgate rules relating to the dissemination of the records. The rules shall require that, pursuant to this subsection (f), the process of releasing the records shall take no longer than forty-eight (48) hours from the time the TBI receives a report that a citizen, for whom there is a previous record, is missing. The record may be disseminated if the individual to whom the record pertains is reported missing on a subsequent occasion or if needed for evidentiary purposes in any civil litigation against the TBI or its personnel that arises from the investigation. In the event that there are grounds for a criminal action arising from the investigation, nothing in this subsection (f) shall prohibit the TBI from allowing the records to remain until criminal action is concluded or otherwise resolved.

(g) The information contained in the TBI's missing person files shall be made available to NamUs and to law enforcement agencies attempting to locate missing persons.

(h) No law enforcement agency shall establish or maintain any policy which requires the observance of a waiting period before accepting and investigating a missing child report. Upon receipt of a report of a missing child, a law enforcement agency shall enter the child into the National Crime Information Center (NCIC) pursuant to federal bureau of investigation mandate, which is two (2) hours from the time the child is reported missing to law enforcement.

(i) When a person previously reported missing has been found, the sheriff, chief of police, medical examiner, regional forensic center, or other law enforcement agency shall report to the TBI and to NamUs within twenty-four (24) hours that the person has been found.

(j) Nothing in this section prohibits law enforcement agencies or regional forensic centers from maintaining case files related to missing citizens or unidentified bodies.

(k) Nothing in this section supersedes the authority of the regional forensic center to obtain dental records, including charts and x-rays in cases in which these records are necessary for the identification of human remains as authorized in § 38-7-117.

SECTION 2. This act shall take effect July 1, 2017, the public welfare requiring it.

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AMEND Senate Bill No. 800

House Bill No. 873\*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 40-32-101, is amended by adding the following new subsection:

(k)

(1) Notwithstanding subsection (g), effective July 1, 2017, for purposes of this subsection (k), an "eligible petitioner" means a person who was convicted of no more than two (2) offenses and:

(A) Each of the offenses for which the petitioner seeks expunction are offenses that are eligible for expunction under subsection (g);

(B) The offenses were:

(i) Two (2) misdemeanors; or

(ii) One (1) felony and one (1) misdemeanor;

(C)

(i) At the time of the filing of the petition for expunction at least five (5) years have elapsed since the completion of the sentence imposed for the most recent offense; and

(ii) If one (1) of the offenses was drug fraud pursuant to § 53-11-402(a)(3), at the time of the filing of the petition for expunction at least ten (10) years have elapsed since the completion of the sentence imposed for that offense; and



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(D) The person has fulfilled all the requirements of the sentences imposed by the court for each offense the petitioner is seeking to expunge, including:

(i) Payment of all fines, restitution, court costs, and other assessments for each offense;

(ii) Completion of any term of imprisonment or probation for each offense;

(iii) Meeting all conditions of supervised or unsupervised release for each offense; and

(iv) Remaining free from dependency on or abuse of alcohol or a controlled substance or other prohibited substance for a period of not less than one (1) year, if so required by the conditions of any of the sentences imposed.

(2) A person may petition for expunction of two (2) offenses under this subsection (k) only one (1) time.

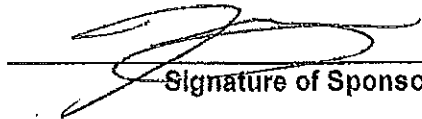
(3) The expunction fee under this subsection (k) shall be the same amount as a single expunction under subsection (g).

(4) Subdivisions (g)(3)-(6), (8), (10), (15), and (16) shall apply to a petition filed under this subsection (k).

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.



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Comm. Amdt. \_\_\_\_\_

AMEND Senate Bill No. 1053

House Bill No. 692\*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-13-111, is amended by deleting the second and third sentences of subdivision (c)(5) and substituting instead the following:

The additional fine shall be paid to the clerk of the court imposing sentence, who shall transfer it to the state general fund, where there is established a general fund reserve to be allocated through the general appropriations act, which shall be known as the domestic violence victim's fund. The fund shall be managed by the treasurer and moneys from the fund shall be expended to fund activities authorized by this subdivision (c)(5). Any revenues deposited in this fund shall remain in the fund until expended for purposes consistent with this subdivision (c)(5), and shall not revert to the general fund at the end of the fiscal year. Any excess revenues or interest earned by the revenues shall not revert at the end of the fiscal year, but shall remain available for appropriation in subsequent fiscal years. Any appropriation from the fund shall not revert to the general fund at the end of the fiscal year, but shall remain available for expenditure in subsequent fiscal years. All fines so credited to the general fund shall be subject to appropriation by the general assembly for purposes of funding family violence shelters and shelter services and the use of global positioning monitoring systems.

SECTION 2. Tennessee Code Annotated, Section 40-11-152(h), is amended by deleting the subsection and substituting instead the following:



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(h) If a defendant is found to be indigent, the cost of the global positioning monitoring system shall be paid from the domestic violence victim's fund created in § 39-13-111(c)(5).

SECTION 3. Tennessee Code Annotated, Section 40-11-152, is amended by adding the following as new subsections:

(l) All forms used by magistrates in granting bail for domestic abuse and stalking cases shall provide a space for the magistrate to indicate that use of a global positioning monitoring system was considered as a condition of bail and whether the condition was imposed pursuant to subsection (m). Existing forms that do not comply with this subsection may be used until current supplies are exhausted and new forms are prepared, provided the preparation of new forms is not more than three (3) months from the effective date of this act.

(m) Wearing an electronic monitoring device, as defined in § 40-40-101, as enacted by Chapter \_\_\_\_ of the Public Acts of 2017(HB 763/SB 724), shall be a condition of bail for anyone charged with a violation of a condition of bail imposed pursuant to this section or § 40-11-150 or a violation of § 39-17-315, § 39-13-111, or § 39-13-102 if that person has also been charged with any of the offenses enumerated in this subsection within seven (7) years of the current charge. The person shall obtain the device from an approved private or public monitoring entity, as defined in § 40-40-101, as enacted by Chapter \_\_\_\_ of the Public Acts of 2017(HB 763/SB 724). The electronic monitoring device shall meet all the requirements of § 40-40-103(b), as enacted by Chapter \_\_\_\_ of the Public Acts of 2017(HB 763/SB 724).

(n) Any person who violates a monitoring program, as defined in § 40-40-101, as enacted by Chapter \_\_\_\_ of the Public Acts of 2017(HB 763/SB 724), that is required as a condition of bail, shall be subject to bond revocation in accordance with §§ 40-11-132 and 40-7-103.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring

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